

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

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<b>JANICE HAMPTON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>No. 1:23-cv-1103-STA-jay</b>
	)	
<b>KEMPER INSURANCE,</b>	)	
	)	
<b>Defendant.</b>	)	

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**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION  
ORDER OF PARTIAL DISMISSAL  
ORDER TO ISSUE SUMMONS AND EFFECT SERVICE OF PROCESS  
ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL (ECF NO. 3)  
ORDER DENYING MOTION TO TRANSFER (ECF NO. 4)**

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On February 5, 2024, the United States Magistrate Judge issued a report and recommendation (ECF No. 13). The Magistrate Judge has recommended that the Court dismiss Plaintiff Janice Hampton’s claim for the violation of the Americans with Disabilities Act (“ADA”) for failure to state a claim. The Magistrate Judge has construed Plaintiff’s Pro Se Complaint to state a plausible claim for the violation of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act. The Magistrate Judge has recommended that the Court order the Clerk of Court to issue summons as to these claims and order the United States Marshal to effect service on Defendant Kemper Insurance. The Magistrate Judge has also recommended that the Court deny Plaintiff’s Motion for Appointment of Counsel and Motion to Transfer a case from the General Sessions Court for Madison County, Tennessee, to this Court.

Plaintiff had 14 days from the service of the Magistrate Judge’s report in which to file objections. Plaintiff has not objected to the report and its recommended conclusions of law, and

the time to object has now expired. Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869-70 (1989)); *see also Baker v. Peterson*, 67 F. App'x 308, 310 (6th Cir. 2003).

The United States District Court for the Western District of Tennessee adopted Administrative Order 2013-05 for this very purpose, referring all cases filed by non-prisoner plaintiffs to a United States Magistrate Judge for management of all pretrial matters. The Magistrate Judge issued his report and recommendation as part of the screening of Plaintiff's Pro Se Complaint pursuant to 28 U.S.C. § 636(b)(1)(B). While "a district judge must determine de novo any part of a Magistrate Judge's disposition that has been properly objected to," Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C), the district court is not required to review (under a de novo or any other standard) "any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the Magistrate Judge to which no specific objection is filed. *Id.* at 151.

In the absence of any objection to the Magistrate Judge's recommendation, the Court hereby **ADOPTS** the Magistrate Judge's report and recommendation. The Court **DISMISSES** Plaintiff's ADA claim. The Court **ADOPTS** the Magistrate Judge's recommendation to toll the statute of limitations applicable to Plaintiff's Title VII and ADEA claims.

Plaintiff is hereby ordered to present the Clerk with a properly completed summons for Defendant within fourteen (14) days of the date of entry of this Order. The Clerk shall issue the process pursuant to Federal Rule of Civil Procedure 4(i)(1)-(2) and deliver it to the U.S. Marshal for proper service along with a copy of the Complaint and Amended Complaint (ECF Nos. 1 and

11), the Report and Recommendation (ECF No. 13), and this Order Adopting the Report and Recommendation. All costs of service shall be advanced by the United States.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
UNITED STATES DISTRICT JUDGE

Date: February 26, 2023